

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

ELTON E. BRYAN

v.

CIVIL ACTION NO. 2:10-cv-01196

UNITED STATES OF AMERICA

**UNITED STATES MOTION FOR
AN EXTENSION OF TIME TO FILE RESPONSE**

Comes now the United States of America, by Larry R. Ellis, Assistant United States Attorney for the Southern District of West Virginia, and moves the Court for a one-week extension of time to file a response to the Petitioner's Supplemental Brief on Standards of Review in this case.

The Court originally set April 22, 2011, as the date for the filing of the petitioner's brief. The petitioner obtained an extension and actually filed his brief on April 26, 2011. The Court had originally set the date for the government's response as May 16, 2011. The extension granted to the petitioner should work to extend the government's response-filing time a corresponding four days until May 20, 2011.

Counsel for the United States is involved in other, unavoidable official duties that will make complying with the presumed May 20, 2011 deadline problematic.

WHEREFORE, the United States moves that the May 20, 2011 filing deadline herein imposed for its response be extended seven days, until May 27, 2011. The United States is authorized to inform the Court that the petitioner does not object to this requested extension.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

By:

S/Larry R. Ellis
LARRY R. ELLIS, WV Bar No. 1122
Assistant U.S. Attorney
P.O. Box 1713
Charleston, WV 25326
Telephone: (304) 345-2200
Fax: (304) 347-5706
E-mail: larry.ellis@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "UNITED STATES MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSE" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this the 4th day of May, 2011, to:

Richard F. Neely, Esquire
NEELY & CALLAGHAN
159 Summers Street, Suite 310
Charleston, WV 25301

By: s/Larry R. Ellis
LARRY R. ELLIS
WV Bar No. 1122
Assistant U.S. Attorney
P.O. Box 1713
Charleston, WV 25326
Telephone: (304) 345-2200
Fax: (304) 347-5706
E-mail: larry.ellis@usdoj.gov